



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
November 13, 2018 7:00 p.m.
Sanford Council Chambers

1. Call to Order

Deputy Warden Morton called the meeting to order at 7:00 p.m.

2. Call of Roll

Present:	P. Morton	Deputy Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor, District 4
	D. Francis	Councillor, District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development
	S. Poirier	Municipal Planner (left at 7:50 p.m.)
	S. Shah	Municipal Planner (left at 7:50 p.m.)
	T. Babineau	Planning Technician (left at 7:50 p.m.)
	C. Rochon	Director of Finance
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	A. Zebian	Warden

There were 15 members of the public in attendance.

3. Announcements

Deputy Warden Morton advised that the meeting is live-streamed on Facebook, then reviewed the fire evacuation procedures.

Councillor Leopold informed Council of the Annual Mrs. Claus Breakfast on Saturday, November 17th at the Ardoise Hall beginning at 8 a.m.

Councillor Keith expressed congratulations to Samantha Lake for being named top player in rugby in Canada and to her team, The Nova Scotia Keltics, on winning the National Championship.

Councillor Jannasch invited Councillors and staff to the viewing of "Burned: Are Trees the New Coal" being hosted by CAPE taking place on November 22nd at the Centre Burlington Hall.

4. Approval of Agenda, including additions or deletions

MOVED and SECONDED that the agenda be approved as circulated.

Councillor Zwicker requested that items 13a, b, & d be moved to Committee of the Whole agenda.

13.e Bullying Awareness (Councillor Leopold)

13.f. Consolidation Communication (Councillor Leopold)

13.g. In-camera MGA 22 (2)(c) - Personnel Matters (Councillor Leopold)

Motion Carried.

5. Presentation (s)

There were no presentations.

6. Public Hearings

- a. Municipal Planning Strategy and Land Use By-law Text Amendments: Indoor Storage Facilities Accessory to Agricultural Uses

**MOVED and SECONDED that the meeting move to a Public Hearing.
Motion Carried.**

The meeting moved to a Public Hearing at 7:07 p.m.
The meeting reconvened at 7:22 p.m.

MOVED and SECONDED that Council give Second Reading to and approve the proposed amendments to:

1. **the text of the West Hants Municipal Planning Strategy to create a policy to permit indoor storage facilities as accessory uses to agricultural uses; and**
 2. **the text of the West Hants Land Use By-law to:**
 - i. **allow indoor storage facilities without a development permit within agricultural buildings constructed prior to November 13, 2018;**
 - ii. **permit the use of accessory buildings for indoor storage facilities on lots used for agricultural purposes;**
 - iii. **create special requirements for indoor storage facilities;**
 - iv. **add indoor storage facilities as a permitted use accessory to agricultural uses, subject to the special requirements, in the Prime Agriculture, Agricultural Priority Two (2), Agricultural Priority Three (3), General Resource and Mineral Resource Zones; and**
 - v. **include a definition of indoor storage facility and recreational vehicle;**
- as attached as Appendix A and B of report #18-03 to the Planning Advisory Committee dated September 20, 2018, with the deletion of the limit of one building per lot.**

Councillor Daniels stated that she supported the ability to have extra income in agricultural zones but questioned if allowing commercial storage in an agricultural zone is a fair practice as they would not fall under the commercial taxation rates. She asked if that had been considered with the proposed amendment. The Municipal Planner advised that even with the amendments agricultural use should continue to be the dominant use of any of the buildings in an agricultural zone. She went on to say that in some instances there could be several buildings on these lots and staff had suggested the storage use be restricted to one building adding that the restriction had been removed as per direction of the Planning Advisory Committee.

Councillor Daniels pointed out that the amendment would result in more time inspecting and policing to ensure compliance and asked if the time the Development Officer would have to spend doing so would be offset. The Municipal Planner explained that the use of the building would be determined at the time of the fire/building inspection as well as when the property owner is setting up the business for that use.

Councillor Monroe questioned if it would require the property owner to come back into the office to change the development agreement if they decided to use an existing building for storage. The Municipal Planner explained that if the use of a building is changing there is a requirement for a fire inspection which provides an opportunity to inspect the building. The Councillor went on to say that she found it would be hard to put a rule around what excess buildings on an agricultural lot could be used for. The Director of Planning and Development advised that permits have always been required when the use of a building is changing.

Councillor Hussey asked for clarification questioning if a building is currently being used as a barn if it would be necessary to come back to the Municipal Office if the property owner wished to use the building for storage. The Municipal Planner replied yes.

Councillor Francis asked if the amendments applied to existing agricultural lots to which the Planner responded yes.

Motion Carried.

- b. Micro-Cultivation and Micro-Processing of Cannabis Land Use By-law Text Amendments

**MOVED and SECONDED that the meeting move to a Public Hearing.
Motion Carried.**

The meeting moved to a Public Hearing at 7:32 p.m.

The meeting reconvened at 7:43 p.m.

MOVED and SECONDED that Council gives Second Reading to and approves the amendments to the West Hants Land Use By-law to enable Licensed Micro-Cultivation as an Agricultural Use and Micro-Processing as an Agricultural Support Use, as attached to the Planning Staff Report dated September 20, 2018 as Appendix A.

Councillor Daniels questioned if the regulations filed with the Province by the watershed advisory committees would supersede municipal documents. The Planner stated that she was unclear on which document would supersede the other, adding that the water supply zones are part of the planning documents to ensure that other uses are not permitted in those areas. She added that any changes could be added to the plan review process.

Councillor Francis questioned if there were results from the concerns brought forth regarding odour from these types of uses. The Municipal Planner stated that she would be speaking to the issue at the upcoming Planning Advisory Committee with standards which could then be applied to the micro-cultivation at a later date.

Motion Carried.

c. Civic Addressing By-law C-003

**MOVED and SECONDED that the meeting move to a Public Hearing.
Motion Carried.**

The meeting moved to a Public Hearing at 7:44 p.m.

The meeting reconvened at 7:48 p.m.

MOVED and SECONDED that Council gives Second Reading to and approves Civic Addressing By-law (C-003) contained in Appendix C of the September 20, 2018 report to PAC/HAC with clause 6.2(a) amended by replacing the phrase "signed by seventy-five percent (75%) of the property owners on the road" with "signed by the owners of seventy-five percent (75%) of the lots with frontage on the road".

Councillor Jannasch questioned if residents that have lots with road frontage would be required to obtain a civic address. The Director of Planning and Development replied no.

Motion Carried.

7. Approval of the Public Hearing Minutes of July 10, 2018 (Heritage Property By-law and Second Amendment to the Deed Transfer Tax By-law), Council Minutes and Public Hearing Minutes (Hantsport Municipal Planning Strategy Amendments Commercial Development Districts; West Hants Planning Strategy Amendments Commercial Development District and Land Use By-law Amendment 269 Town Road, Falmouth) of October 9, 2018

MOVED and SECONDED the Public Hearing Minutes of July 10, 2018 (Heritage Property By-law and Second Amendment to the Deed Transfer Tax By-law), Council Minutes and Public Hearing Minutes (Hantsport Municipal Planning Strategy Amendments Commercial Development Districts; West Hants Planning Strategy Amendments Commercial Development District and Land Use By-law Amendment 269 Town Road, Falmouth) of October 9, 2018 be approved as circulated.

Motion Carried.

8. Business Arising from Minutes and any Related Correspondence
There was no business arising from the minutes or related correspondence.

9. Report of the Warden
There was no report of the Warden.

10. Reconsideration or Rescission of Resolutions of Which Notice Has Been Given on a Previous Day

There were no reconsiderations or rescissions of resolutions.

11. Report(s) of the Committee(s) and Officer(s)

a. Committee of the Whole

i. October 23, 2018 Excerpts

2018/2019 Snow and Ice Removal

MOVED and SECONDED that Council award a contract for the following local roads and municipal properties to McAdoo Lawn Care & Excavating for Tender WHPW18-11, Snow and Ice Removal for the 2018/2019 season; as per Tender pricing received by the Department of Public Works on September 27, 2018:

Falmouth

- Clover Lane
- Fundy Court
- Halewood Drive
- Jocelyn Lee Court
- Mountain View Drive & Linden Court
- Southview Court & Julie Court
- Shetland Road & Sidewalk

Curry's Corner

- Katie Court

Three Mile Plains

- Cooper Lane
- Swinamer Drive

Garlands Crossing

- Bailey Drive
- Jared Court
- The Crossing Emergency Access Road (Emergency Calls Only)

Municipal Property

- Municipal Office Complex, 76 Morison Drive
- Hants County Courthouse
- Falmouth Sewage Treatment Plant
- Falmouth Water Treatment Plant
- Irishman's Road Recreation Facility
- Three Mile Plains Fire Substation

Motion Carried.

MOVED and SECONDED that Council award a contract for the following local roads and municipal properties to Windsor Landscaping for Tender WHPW18-11, Snow and Ice Removal for the 2018/2019 season; as per Tender pricing received by the Department of Public Works on September 27, 2018:

The Crossing

- Annie May Court
- Edward Drive
- Irvan Drive
- Merriweather Crescent
- Goosey Loop

Motion Carried.

MOVED and SECONDED that Public Works reserve the right to omit snow and ice removal requirements on local roads or portions of roads, where it is deemed that the road does not have immediate housing or business needs.

Motion Carried.

**MOVED and SECONDED that Public Works reserve the right to omit snow and ice removal requirements at municipal properties, where it is deemed that snow and ice removal will be performed utilizing Public Works staff and equipment.
Motion Carried.**

2018 Committee Appointments

Councillor Daniels declared a conflict of interest.

**MOVED and SECONDED that Council dissolve the Fire Restructuring Committee, Tri-Party Committee, and the Fire Advisory Committee.
Motion Carried.**

Councillor Daniels rejoined the meeting.

MOVED and SECONDED that Council give notice to Hantsport Memorial Community Center (HMCC) that they will no longer participate as a member of the HMCC Board of Directors.

**MOVED and SECONDED that "they" in the motion be changed to "we".
Amendment Carried.**

Motion Carried as amended.

**MOVED and SECONDED that current Council appointments to the Fences Arbitration Committee, Regional Anti-littering Committee, Sports Complex Design Committee and Sports Complex Fundraising Committee be extended to March 31, 2020.
Motion Carried.**

Hants County Residence for Senior Citizens

**MOVED and SECONDED that Council continue participation on the Board of the Hants County Residence for Senior Citizens, also known as Dykeland Lodge.
Motion Carried.**

Fire Services Agreement with the Municipality of the County of Kings

Councillor Daniels declared a conflict.

**MOVED and SECONDED that Council authorize Warden and the Municipal Clerk to execute the fire services agreement with the Municipality of the County of Kings as attached to the October 23, 2018 Committee of the Whole Report.
Motion Carried.**

Councillor Daniels rejoined the meeting.

Police Advisory Board

**MOVED and SECONDED that Council direct the Police Advisory Board to draft a letter to the District Traffic Officer for a traffic analysis of the Mill Section area for a speed reduction to 80 km per hour.
Motion Carried.**

Cannabis

MOVED and SECONDED that Council write a letter to the Province and NSLC asking that consideration be given to the Windsor NSLC location for a cannabis store so that money can be kept in Hants County and copy of the letter to the MLA and MP.

**MOVED and SECONDED that the motion be amended to state and/or Hantsport NSLC.
Amendment Carried.
Motion Carried as amended.**

MOVED and SECONDED that Council write a letter to the NSFPM encouraging the Provincial government to share the wealth with the municipalities of Nova Scotia as was intended and copy the MLA, MP, Town of Windsor and any other relevant government agency.

Councillor Daniels asked if the term share the wealth could be defined in the motion in order to clarify the intent. The CAO stated that the intent of the motion was to ask that the tax revenue from cannabis be shared with the municipalities. The Councillor suggested that the motion be more definitive.

MOVED and SECONDED that the motion be amended by changing "share the wealth" to "share the revenue of cannabis taxation sales".

Amendment Carried.

Motion Carried as amended.

b. Report of the Chief Administrative Officer

i. Appointment of Assistant Building and Fire Official (Recommendation Report)

CAO Laycock reviewed the Appointment of Assistant Building and Fire Official Recommendation Report. He advised that the position had been budgeted for and is needed in order to fulfill Council's policies. The CAO stated that he is currently still in the process of negotiating with the Town of Windsor for the position which would be 50% cost share for two days one week and three days the next.

MOVED and SECONDED effective November 19, 2018, Council appoint Scott Burgess as Assistant Building Official in accordance with Section 5(2) of the Nova Scotia Building Code Act and as Assistant Fire Official in accordance with Section 19(1)(b) of the Nova Scotia Fire Code and that effective October 15, 2018, Council rescind the appointment of Erin Schurman-Kolb as Assistant Fire and Building Official.

Councillor Leopold asked for clarity in that the report stated that there would be no financial implications, but it was stated that the position would be 50%, asking if Mr. Burgess would be receiving the equivalent to the previous inspector's full-time salary for working half the time. CAO Laycock stated that as it is a personnel matter and contract negotiations, he would not be able to respond to the question. He went on to say that financial implications would be minimal.

Motion Carried.

Councillor Leopold voted nay.

ii. Planning Advisory Resident Appointment (Recommendation Report)

The Director of Planning and Development reviewed the Recommendation Report.

MOVED and SECONDED that Council appoint Glenn Robinson as a resident member of the Planning Advisory Committee until October 2020.

Councillor Francis questioned if the date should coincide with the consolidation and be changed to March 31, 2020. She went on to ask how appointments to the Planning Advisory Committees would take place after the consolidation. The Director of Planning and Development replied that the Hantsport Area Advisory Committee was created after the dissolution of Hantsport suggesting that a similar process may happen with the consolidation.

MOVED and SECONDED that the motion be amended to state "until March 31, 2020".

Amendment Carried.

Motion Carried as amended.

iii. Audit Committee Resident Appointment (Recommendation Report)

The Director of Finance, Carlee Lowe reviewed the report.

MOVED and SECONDED that Council appoint Harold Follett and Glenn Robinson to the Audit Committee until November 2019.

Motion Carried.

iv. Hants County Courthouse Safety Repairs (Recommendation Report)

The CAO reviewed the Hants County Courthouse Safety Repairs Recommendation Report pointing out that the funding would be coming from the Building Reserve as the expense is unbudgeted.

MOVED and SECONDED that Council award a contract to Terry Todd Construction and Renovation to complete safety repairs to the Hants County Courthouse in Windsor, NS with funds to come from the Building Reserve.

Councillor Leopold asked why the funds to complete the work were solely coming from West Hants and not the Town of Windsor. The CAO advised that operating expenses are “in and out” as the Municipality is reimbursed by the Department of Justice. He went on to say that as the Municipality owns the building it is responsible for repairs. He went on to say that a request can be put forth to the Town, noting that it has not been past practice, but the decision would be theirs as to whether or not they wished to cost share.

Motion Carried.

b. Planning Advisory Committee

i. Planning Advisory Committee Excerpts – October 18, 2018

Hantsport Household Livestock Land Use By-law Amendment

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the Hantsport Municipal Planning Strategy and Land Use By-law to enable livestock on lots located in the residential and commercial zones, as attached to the Planning Staff report dated September 12, 2018 as Appendix A and as amended by the HAAC on September 12, 2018.

Motion Carried.

Development Agreement Amendments – Garlands Crossing Land Leased and Mixed Residential Community

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider entering into the amending development agreement for the area known as The Crossing dated October 18, 2018 (Appendix B) including any modifications made by motion of PAC October 18, 2018 and taking note that this development agreement will discharge and replace the development agreements and amendments dated April 2, 2008, recorded on April 8, 2008 as Document No. 90368441; January 23, 2014, recorded January 28, 2014 as Document No. 104520904; and January 10, 2017, recorded March 7, 2017 as Document No. 1104222921.

Motion Carried.

c. Other Committee Reports or Recommendations

There were no reports or recommendations from other committees.

12. Correspondence

a. October 17, 2018 – Appointment to AVRLB Request from Shirley Pineo

Deputy Warden Morton stated the request would be considered when the Councillor appointments take place in December. Councillor Daniels stated that Ms. Pineo enjoyed her time on the Committee and would like to continue to be the representative until the consolidation takes place.

13. Miscellaneous / New Business

a. Rural Representation Committee (Warden Zebian)

Deputy Warden Morton called on Councillor Jannasch to speak on the subject as the Warden was not in attendance.

Councillor Jannasch advised that the proposed Rural Representation Committee would be struck in order to address concerns from rural residents in West Hants. The Councillor went on to say that the Committee would be comprised of Councillors, a member of the Transition Committee and residents in rural areas of West Hants. He went on to say, in the short term, the Committee would deal with matters in relation to the consolidation and, in the longer term, to ensure representation in the new regional government.

MOVED and SECONDED that Council create a Rural Representation Committee to ensure that our residents in our rural areas maintain representation throughout the consolidation process and in the new regional government consisting of three Councillors, one of which is a member of the Transition Committee and four rural citizens.

Councillor Hussey questioned if the member of the Transition Committee could be the alternate. Councillor Jannasch responded that the alternate member could sit on the Committee as a representative.

Motion Carried.

b. Committee Appointments

CAO Laycock suggested that, as Councillors have to accept the committee appointments, that Council consider tabling the appointments until December as the Warden is not present.

MOVED and SECONDED that the Committee Appointments be tabled until December Council.

Motion Carried.

c. Municipal Planning Strategy – Bill 58 (Councillor Jannasch)

Councillor Jannasch expressed that he wished to draw Council's attention to Bill 58 currently being discussed in the legislature. He went on to say that he was looking for clarification on implications to the Municipality. He went on to say that the Bill amends the Municipal Government Act with many changes surrounding municipal planning strategies.

The Councillor went on to say that one of the changes will require that public engagement take place with neighbouring municipalities, stating that it was unclear what the definition of public engagement was in the change. He went on to question what the expectation would be and how much extra work the change would cause for municipalities. The Councillor went on to question what the purpose of the change and if the expectation is that municipalities should be harmonizing our planning strategies and obtain approval from adjacent municipalities prior to having the ability to approve our own strategy.

The Director of Planning and Development advised that she had been in discussions with the Department of Municipal Affairs regarding Bill 58 noting that it would be a topic at the upcoming Planning Directors meeting later in the month. She went on to say that as far as she understood there was no clear definition of public engagement to date nor are the logistics or time constraints been made clear. The Director advised that she was not aware of any consultation done with planning professionals concerning the changes.

d. Don Dignan Service Award (Warden Zebian)

Councillor Daniels spoke on behalf of the Warden regarding Don Dignan stating that he was the REMO Coordinator for the Municipality and the Town of Windsor for the past number of years. She went on to say that he also served with the RCMP, volunteered with the Brooklyn Fire Department, was part of the Senior Safety Team, worked with PTSD sufferers, and many other organizations that were centered around providing support and protection to communities.

The Councillor continued, stating that as part of the Municipality's Community Recognition Policy, volunteer firefighters receive a 15-year medal in recognition of years of service and the Warden would like to see that the commitment shown by Don Dignan be commemorated as we recognize the dedication of each of our volunteer firefighters.

MOVED and SECONDED that the 15-year medal presented to Volunteer Fire Fighters in West Hants be named the "Don Dignan Service Award" in recognition of Don Dignan, a dedicated emergency service provider who was committed to community safety and service.

The CAO advised Council that the medal presentation ceremony would take place in the new fiscal year.

Motion Carried.

e. Bullying Awareness (Councillor Leopold)

Councillor Leopold stated that she asked to have this item added to the agenda to address the various intimidation tactics that continue to be used in society. She went on to say that she had recently experienced bullying as a female Councillor, stating that there are individuals and groups that use these tactics because of their stature, financial status, religion, political affiliation, racial background, culture, and gender, they feel as though they can marginalize someone else for theirs.

The Councillor went on to say that she was brought up to be a strong woman and to speak up for herself and others. She stated she wants to live in a safe, healthy and vibrant community which is what West Hants strives to be. She added that the West Hants Strategic Plan has values which state that we achieve our mission by delivering services that are fair and equitable and applied consistently, noting this is achieved through a workplace that is professional, supportive, accountable, diverse, engaged, healthy, committed, balanced, welcoming, proud, respectful, safe and fully supported by West Hants Council. The Councillor concluded stating that one could argue that these same values should be embraced by the citizens of West Hants as well.

f. Consolidation Communication (Councillor Leopold)

Councillor Leopold spoke of discussions that had taken place surrounding communications stating that she was confused as to who is responsible for communications prior to the transition. The Councillor went on to say that she felt discontent with the communication adding that she had received feedback of the same. She asked for direction on how to address the issue, expressing her frustration in having to face residents with very little communication being put forth.

CAO Laycock expressed his appreciation for the comments given by the Councillor stating that part of the consolidation process is an RFP for communication. He added that the RFP would not be able to be sent out until the establishment of the Transition Committee. The CAO went on to state that a new website had been created which would provide the most up-to-date information and messages had been put forth on the social media outlets. He went on, stating that suggestions on improving communications from Council would be appreciated.

Councillor Daniels thanked the CAO and staff expressing that she understood that communication during this time is overwhelming. She went on to say that Councillors had made the decisions to host the Town Hall meetings in their districts stating that she felt as though they were premature, and that Council should have delivered a unified message. She went on to say that Councillors could have taken time to better prepare themselves, suggesting that training in the area of public engagement could be beneficial and considered prior to future engagement sessions.

Councillor Zwicker agreed that the meetings were done prematurely as there seemed to be no information to put forth. He went on to speak of his experience in the dissolution of Hantsport noting that the process needs to be explained to residents but until such time as questions can be clearly responded to the meetings should not take place.

Councillor Jannasch stated that he did not feel as though the Town Hall meetings were premature, as it provided an opportunity to explain what was happening to the residents who have been frustrated and they were a good way to start the conversation. He went on to say that the meetings have been uncomfortable, but they were a good place to start.

Councillor Francis agreed with Councillor Jannasch that the meetings were not premature and felt that they did not happen soon enough. She went on to say that she had discussions with staff regarding agendas for the Town Hall meeting and had been advised that there were no agendas. The Councillor expressed that she felt as though staff should have provided FAQ sheets or other information to pass along to residents in the meetings.

The CAO advised Council that he remains available to them at any time and that staff is there as a resource therefore available to assist if asked.

g. In-Camera (Councillor Leopold) MGA Section 22 (2) (c) Personnel Matters
MOVED and SECONDED that the meeting move in-camera.
Motion Carried.

The meeting moved in-camera at 8:39 p.m.
The meeting reconvened at 9:02 p.m.

14. Date of Next Meeting – December 11, 2018
The next Regular Council meeting will be held December 11, 2018 at 7:00 p.m.

15. Adjournment
MOVED and SECONDED that the meeting be adjourned.
Motion Carried.

The meeting adjourned at 9:03 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk